ALTERNATIVE DISPUTE RESOLUTION PROGRAM

# UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**MIRIAM R. ARFIN**
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DATE: June 1, 2005

TO: David Kramer
George Guy

FROM: Timothy Smagacz
ADR Program Administrative Assistant

DIRECT DIAL: (415) 522-4205

RE: ADR Phone Conference Scheduling Notice

NUMBER OF PAGES: 3

RE: **C 05-0598 JW**
**Google, Inc. v. Affinity Engines, Inc.**

I have scheduled an ADR Phone Conference in this case for **Monday, June 13, 2005 at 9:30 a.m.** Please take note that plaintiff's counsel initiates the call to all parties, then calls the ADR Office at (415) 522-4603.

Please contact me with any scheduling concerns at (415) 522-4205, or email tim_smagacz@cand.uscourts.gov. Thank you for your attention to this matter.

Dockets.Justia.com

# ADR PHONE CONFERENCE

The time of your ADR phone conference is listed on the preceding page. The phone conference will be conducted by either the court's Director of ADR Programs, ADR Program Counsel or Deputy ADR Program Counsel, the biographies for whom are listed below. You are having this phone conference because you indicated on your Notice of Need for ADR Phone Conference either that you have not reached an agreement to an ADR process or you have tentatively agreed to a settlement conference before a magistrate judge.

## *Purpose*

The purpose of the conference is to give you information to enable you and your client to select or design an ADR process most likely to benefit your particular case. The court offers the following ADR options:

- ***Arbitration (non-binding or binding)***
- ***Early Neutral Evaluation (ENE)***
- ***Mediation***

In only a limited number of cases that would most benefit from the option, the court also offers an ***Early Settlement Conference with a Magistrate Judge***. If this is the option you prefer, during the ADR phone conference you will discuss your reasons for this preference and consider whether a different ADR process may be better suited for this case. If, after the ADR phone conference, you still prefer the option of an Early Settlement Conference with a Magistrate Judge, ADR Program legal staff member conducting the call may make a recommendation to the judge regarding the case's suitability for this option. The assigned judge will then decide whether to refer the case to an Early Settlement Conference with a Magistrate Judge.

Additionally, with the court's approval, you may substitute a **private ADR** procedure for a court program.

## *Participants* (*See* ADR L.R. 3-5(f)(1))

Counsel who will be primarily responsible for handling the trial of the matter shall participate in the conference. Clients and their insurance carriers are encouraged to participate as well.

## *Logistics* (*See* ADR L.R. 3-5(f)(2))

The conference call shall be arranged and placed by the **ATTORNEY FOR THE FIRST-LISTED PLAINTIFF** in the case caption. Arrange for all counsel to be on the line before calling the ADR Unit phone conference number, **(415) 522-4603**, at the appointed time. If there are attorneys in the case who are not listed on the docket sheet, the attorney for the first-listed plaintiff shall send them a copy of these materials and include them in the phone conference.

## *Attorney and Client Preparation* (*See* ADR L.R. 3-5(f)(3))

You should be prepared to present your views as to which ADR process you favor and to ask questions about the available ADR options. To prepare for the conference, please review with your clients the ADR Local Rules and the booklet entitled *Dispute Resolution Procedures in the Northern District of California* or the designated portions of the ADR Internet Site (www.adr.cand.uscourts.gov). The court has reserved one-half hour for the conference call.

### ***Exemption from the ADR Phone Conference Requirement***

**1) Stipulation to an ADR Process** (*See* ADR L.R. 3-5(b)(4))

You will be exempted from participating in the phone conference if, before the date of the conference, you file a stipulation and order selecting an ADR process other than an Early Settlement Conference with a Magistrate Judge and send or fax copy to the ADR Unit, at the address or fax number listed below. If you intend to stipulate to an Early Settlement Conference with a Magistrate Judge, you must participate in an ADR phone conference.

**2) Termination of Case**

Call the ADR Unit to remove the case from the phone conference calendar if your case is dismissed or otherwise terminated before the date set for the phone conference.

## BIOGRAPHIES OF ADR PROGRAM LEGAL STAFF

**Director of ADR Programs Miriam Arfin**

Miriam (Mimi) Arfin has been the Director of ADR Programs since January 1997, after serving as the Deputy Director for five years. Ms. Arfin practiced as a civil litigator with the law firms of Howard, Rice, Nemerovski, Canady, Falk & Rabkin in San Francisco and Squire, Sanders & Dempsey in Cleveland. She clerked for the Honorable Robert B. Krupansky of the United States Court of Appeals for the Sixth Circuit. Ms. Arfin received both her J.D., *cum laude*, and her Masters Degree in Public Policy from the University of Michigan in 1983. She graduated from the University of California at Berkeley, *Phi Beta Kappa* and with Great Distinction in General Scholarship, in 1979. Ms. Arfin has experience as a mediator and mediation trainer. She is a recipient of the 2002 Robert F. Peckham Award for Excellence in ADR from the U.S. Court of Appeals for the Ninth Circuit.

**ADR Program Counsel Howard A. Herman**

Howard A. Herman has been ADR Program Counsel since February 1997. Mr. Herman previously served as Director of ADR Programs for Contra Costa County Superior Court. He also spent four years as a settlement conference attorney for the United States Court of Appeals for the Ninth Circuit, ultimately serving as the co-director of that court's settlement conference program. Mr. Herman has practiced as a civil litigator with the firms of Graham & James and Kindel & Anderson in San Francisco. He is a 1983 graduate of Hastings College of the Law and a 1979 graduate, with high honors, of the University of California at Berkeley. Mr. Herman currently teaches negotiation and mediation at Hastings College of the Law. He has experience as a mediator, mediation trainer, and early neutral evaluator. He is a recipient of the 2002 Robert F. Peckham Award for Excellence in ADR from the U.S. Court of Appeals for the Ninth Circuit.

**Deputy ADR Program Counsel Robin W. Siefkin**

Robin W. Siefkin has served as Deputy ADR Program Counsel since January 2002. From 1997 to 2001, she was the Director of ADR Programs for Contra Costa Superior Court. She previously served as a Supervising Mediator with the Santa Barbara Community Mediation Program and as Attorney/Coordinator of the Santa Barbara Legal Aid Foundation Domestic Violence Restraining Order Clinic. Ms. Siefkin has practiced as a civil litigator and as a transactional attorney with the firms of Gordon & Rees and Horning, Janin & Harvey. She is a 1985 graduate of Hastings College of the Law and a 1978 graduate of the University of California at Davis.